

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

JACQUELINE PORTER &	)	
WILLIAM PORTER,	)	
	)	
Plaintiffs,	)	CASE NO.
	)	
v.	)	3:06-CV-373-SRW
	)	
KEITH D. PATTERSON;	)	
TRAVELERS INDEMNITY	)	
INSURANCE COMPANY, et al.,	)	
	)	
Defendants.	)	

**ANSWER**

**COMES NOW** the defendant designated as Travelers Indemnity Insurance Company and answers the Complaint of the plaintiffs as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied.
5. Admitted.
6. Defendant adopts and incorporates its previous answers as if fully set out herein.
7. Defendant admits that the accident occurred on May 3, 2004 on Crawford Road, Russell County, AL. Defendant denies the remaining averments contained in this paragraph.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment asserted.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

10. Defendant adopts and incorporates its previous answers as if fully set out herein.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment asserted.

12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment asserted.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment asserted.

14. Defendant adopts and incorporates its previous answers as if fully set out herein.

15. Defendant admits that the accident occurred but is without knowledge or information sufficient to form a belief as to the truth of the remaining averment asserted.

16. Admitted.

17. Defendant admits that an accident occurred on May 2, 2004 and that a policy of insurance was in full force and effect but is without knowledge or information sufficient to form a belief as to the truth of the remaining averment.

18. Defendant admits that it received notice of the accident and of the allegations of the purported injuries allegedly sustained by the plaintiffs. Defendant denies the remaining averments.

19. Defendant admits that a request for benefits has been made.

20. Defendant adopts and incorporates its previous answers as if fully set out herein.

21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment.

#### **FIRST AFFIRMATIVE DEFENSE**

Defendant asserts that an intervening and superseding act proximately caused the damages caused by the plaintiffs.

#### **SECOND AFFIRMATIVE DEFENSE**

Defendant asserts the defense of set-off.

#### **THIRD AFFIRMATIVE DEFENSE**

Defendant asserts the defense of satisfaction of damages.

#### **FOURTH AFFIRMATIVE DEFENSE**

Defendant asserts the defense of sudden emergency.

#### **FIFTH AFFIRMATIVE DEFENSE**

Defendant asserts the defense of last of clear chance.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs failed to exercise reasonable care for their own safety and are not entitled to recover herein.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs were contributory negligent and are not entitled to recover herein.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs assumed the risk of any injury that occurred as a result of their conduct and are not entitled to recover herein.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiffs failed to mitigate their damages and are not entitled to recover herein.

**TENTH AFFIRMATIVE DEFENSE**

Punitive damages are unconstitutional under the Constitutions of the United States and the State of Alabama.

**Defendant demands a trial by jury.**

/s/Paige H. Sykes  
ASB 4858-K64P  
ATTORNEY FOR DEFENDANT,  
The Travelers Indemnity Company of  
America

**OF COUNSEL:**  
**ROGERS & ASSOCIATES**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 26, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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Respectfully submitted,

/s/ Paige H. Sykes  
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